

EXHIBIT D



HAVERFORD COLLEGE

FERPA Guide

For Students, Faculty, and Staff

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INTRODUCTION

The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy rights of students, specifically student records. Employees of Haverford College are expected to respect the rights, privacy and confidentiality of students and their records.

To ensure compliance with the standards of the College and with federal law, the College requires that all students, faculty, and staff make themselves fully aware of the federal regulations regarding the confidentiality of student records.

If you have any questions please contact:

Registrar James Keane
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610-896-1232

For more information on the Family Educational Rights and Protection Act please follow this [link](#).

I. WHAT IS FERPA?

FERPA stands for Family Educational Rights and Privacy Act of 1974 (sometimes called the Buckley Amendment) and helps protect the privacy of student **education records**. The Act provides eligible students the following rights:

- The right to inspect and review their education records;
- The right to request an amendment to those records if they believe there are inaccuracies or they are misleading;
- The right to consent to disclosure of their records;
- The right to file a complaint with the U.S. Department of Education.

The intention of the legislation is to protect the rights of students and to ensure the privacy and accuracy of education records. Students can be considered the “owner” of the information in their education records, and the College as the “custodian” of those records. Every institution must notify students of their FERPA rights at least annually.

II. WHO IS PROTECTED UNDER FERPA?

FERPA protects the **education records** of students who are currently enrolled at Haverford or formerly enrolled regardless of their age or status with regard to parental dependency. The education records of students who have applied to but have not attended the College are not subject to FERPA guidelines, nor are the education records of deceased students.

III. WHAT ARE EDUCATION RECORDS?

Education Records are defined as any records directly related to a student and maintained by the College or by a party acting for the College.

Education records include any student **directory** and **personally identifiable** information in whatever medium (handwritten, print, email, magnetic tape, film, disk, etc.), with the exception of those noted below.

IV. WHAT ARE NOT EDUCATION RECORDS?

Records such as those listed below are not protected by FERPA:

- Sole possession records or private notes that are not released to other personnel;
- Law enforcement or campus security records;
- Employment records unless employment is contingent upon attendance (student workers);
- Records relating to treatment provided by a physician, psychiatrist, psychologist or other recognized professional;
- Information about an individual obtained after that person is no longer a student at the College, i.e. alumni records.

V. DIRECTORY INFORMATION

For FERPA purposes, directory information is any information that would not be considered harmful, or would not violate privacy if publicly released. At Haverford College the following is considered FERPA Directory Information:

- Name
- Class
- Major field of study
- All addresses on file
- All phone numbers on file
- Haverford email address
- Dates of attendance
- Enrollment Status
- Degrees, honors and awards received
- Activities and Clubs
- Weight and height of members of athletic teams
- Photograph

Haverford College will assume that any requests by students to suppress information from the campus directory are to be applied to FERPA, when applicable. Students may make such suppressions in Bionic or stop by the Registrar's Office located in Stokes Hall, Room 108 to complete and Opt-Out form.

Students must have a written and signed consent to release any information not listed above except in the case of a legitimate educational need to know.

VI. PERSONALLY IDENTIFIABLE INFORMATION

Haverford College will not release personally identifiable information in education records or allow access to those records without **prior consent of the student**.

Personally identifiable is defined as first and last names (or first initial and last name) in combination with any one of the following: social security number, name(s) of student's family members, address(es) of students family members, Haverford College ID number, race, gender, religion or any other information that would make it possible to trace the student's identity. Other types of personally identifiable information include, but are not limited to: advising records, disciplinary records, medical or psychiatric records, transcripts, letters of recommendation and records (high school transcript, SAT scores, etc.). Basically, anything that contains enough demographic or other information that points to a single student.

Haverford College will not disclose personally identifiable information without a written, signed and dated consent which specifies to whom the disclosure is being made, the purpose of the disclosure and what records are to be disclosed.

Under the guidelines of FERPA the College may release personally identifiable information under the following circumstances:

- To Haverford College School officials who have a legitimate educational interest. College Officials may include but are not limited to: Board of Trustees, the President, Provost, Associate and Assistant Provosts, Deans, Department Chairs, Faculty Members, General Counsel or auditors providing services on behalf of the college. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.
- In case of an emergency where it is necessary to protect the safety of a student information may be released to the appropriate individuals including the student's parents.
- To federal, state and local officials.
- To officials of other educational institutions to which a student has applied or enrolled where it relates to the student's transfer.
- To the parents of a student under the age of 21 where there has been a violation of state or local law or College policy as it relates to the possession of alcohol or controlled substances.
- To comply with a subpoena. An attempt will be made to notify the student of the subpoena if permitted to do so legally.

VII. DISCLOSURES AND RELEASE OF INFORMATION

Haverford College School Officials may release information from a student's education record without consent to a **school official** with a **legitimate educational interest** or need.

A **school official** is:

- a person employed by the college;
- a person elected to the board of trustees;
- a person or entity under contract to the college;
- a student serving on an official committee.

A **legitimate educational interest** is a demonstrated "need-to-know" in order to perform assigned job or set of duties.

Information can also be released under the following conditions, and may be forwarded to the Registrar's Office for processing:

- To comply with a judicial order or lawfully issued subpoena;
- Disclosure to parents of dependent students as defined by the ([Internal Revenue Code \(1986\) Section 152](#));
- Disclosure for a **health/safety emergency** (Campus Safety office);
- Disciplinary hearing.

A. HEALTH/SAFETY EMERGENCY

Haverford College may disclose personally identifiable information from education records to appropriate parties in connection with an emergency to protect the health or safety of the student or other individuals. If you are faced with an imminent safety or medical emergency please contact Campus Safety at 610-896-1111.

B. FACULTY AND STAFF ACCESS TO STUDENT INFORMATION

All employees with access to student information are required to follow the Haverford College Confidentiality Policy. Employees and other individuals (e.g. volunteers or interns) may, in the course of their work or activities at the College, have access to confidential or personally identifiable information about students, parents, staff, faculty, alumni, donors, volunteers and customers. This information is protected by College policy and by law.

Confidential information includes any information that identifies or describes the individual (other than “directory information” for current students who have not limited the release of such information). Personally identifiable information is defined as first and last name (or first initial and last name) in combination with any one of the following: Social Security number; birthdate, address(s) or any information that will make it possible to trace the student’s identity.

Accessing, using and/or disclosing confidential or personally identifiable information in ways that jeopardize the security of such information, constitutes misuse.

All employees and other individuals covered by this policy are expected to safeguard and refrain from disclosing personal account passwords and other codes that allow access into the College network.

POSTING GRADES

Since grades can never be directory information, it is inappropriate to post grades in a public setting. An instructor may, however, post grades if the grades are posted in such a manner that only the instructor and the individual student can identify the individual and -their grade. Grades should never be posted by any portion of the SSN. Additionally, it is recommended that such a posted list should not be in the same order as the class roster or in alphabetical order.

WEB-BASED TOOLS TO SUPPORT CLASSES

Courses supported by class websites and/or discussion groups must take extra precautions to not inadvertently release non-directory student information. Only directory information can be available to the general public and other class members, so it is recommended that such Web-based tools employ a security layer so that only class members and instructors can access appropriate information.

STUDENTS OPTING FOR NO RELEASE IN THE CLASSROOM SETTING:

Students cannot choose to be anonymous in the classroom setting. If a student has chosen “no release” of their directory information, that does not mean that an instructor cannot call on them by name in class or that the student’s email address cannot be displayed on an electronic classroom support tool such as a discussion board.

C. PARENTAL ACCESS TO STUDENT INFORMATION

The term "parent" is defined as including natural parents, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

Once a student has reached age 18 or is attending the College, all FERPA rights belong to the student.

Parental access to education records is allowed when the student provides the college with a signed and dated release specifying the records to be disclosed, stating to whom they should be disclosed and the purpose of the disclosure. Each instance of release of non-Directory Information requires its own separate and specific written authorization to release.

Haverford College may also release information to the parent if they submit proof that the student is their dependent as defined by the [Internal Revenue Code \(1986\) Section 152](#).

Haverford College may also disclose education records to parents in the case of a health or safety emergency involving their student - and if - they are under age 21 and have violated any law or policy concerning the use or possession of alcohol or a controlled substance.

VIII. STUDENT RIGHTS, AUTHORIZATIONS, AND REQUESTS

The College will not release personally identifiable information in education records or allow access to those records without prior consent of the student, except as outlined above. Unless disclosure is to the student themselves, the consent must be written, signed, and dated, and must specify the records to be disclosed, the identity of the recipient, and the purpose of disclosure.

The student release form can be accessed [here](#).

Students have the right to withhold the release of their FERPA directory information. Such suppressions can be made in Bionic.

Students have the right to inspect and review their educational records. The request should be made in writing, be signed, dated and specify the reason for the request. The College will comply with the request as soon as possible but in no instance more than forty-five days after the request has been received.

Students may not have access to information that includes:

1. Financial records of their parents
2. Any portion of their record that contains information referencing another student(s).
3. Confidential letters and statements of recommendation placed in a student's record before January 1, 1975, or confidential letters and statements of recommendation to which students have waived their rights of access.

Students may ask the College to amend their records if they believe that any information is inaccurate or otherwise in violation of their privacy rights. The first level of appeal should begin in the Office of the Registrar. If it is deemed a hearing is necessary then one will be scheduled with the Dean of the College. A student has the right to place in their file a statement outlining any reasons for disagreeing with the College if it is found the students challenge is without grounds.

Students have the right to file complaints concerning alleged failures by the College to comply with the regulations of FERPA. Complaints should be addressed to the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-8520.

APPENDIX: CASE STUDIES

Access by Divorced Parents

Q: Frank's parents are divorced. By agreement, his mother claims him as dependent, but his father is required to pay his way through college. Frank and his mother have both refused to tell Frank's father anything about his academic progress at State College. Frank's father turns to the institution for help. Can the institution give him the information?

A: The regulations allow release of information to either parent if the student is claimed as a dependent on either parent's taxes. The institution should obtain a copy of the tax return validating dependency prior to disclosing the information.

Access to Alumni Records

Q: Tom Smith graduated from Haverford College several years ago. He has been very involved as an alumnus. A journalism student wants to write a story about his involvement at the college, both as a student and as an alumnus. What can be released to the student?

A: Alumni records are generally open to the public because they are not "education records" under FERPA. However, that does not mean that Tom's education records information from when he was a student is releasable. You can release only directory information regarding education records from when Tom was a student. If the journalism program has a way to contact Tom and get his permission to release non-directory information, you can accept a signed release from him.

Class Web-based Discussions

Q: Fred Faculty teaches a course that has a Web-based discussion component. Class members can see each other's email addresses and name. It is not open to the public for view or use. Are there any FERPA issues?

A: Since the discussion site is only accessible to students in the class, there is no FERPA issue. It is advisable for the faculty member to remind class members that the discussion threads should not be shared with others out-side the class without permission from the author to do so. No non-directory information should be displayed on the site. The 2009 FERPA regulations specifically state that student usernames can be displayed to others in a class, even if the students in question have chosen "no release" for their directory information.

Class Web-based Discussions, Part 2

Q: Instructor Ivana wants to make her online course management Moodle pages publicly accessible to anyone. Are there FERPA implications for making this information available to individuals beyond the course?

A: Yes. Specific course registrations and personally identifiable class materials from students are not directory information. Therefore, they should not be publically accessible. Additionally, there may be students in the course who have chosen "no

release” for their directory information; displaying their information effectively disregards this request. The instructor can offer a voluntary “public” version of her course but cannot compel students to participate.

Student ID Numbers as Directory Information

Q: Haverford College is reviewing whether or not its list of directory information items should be updated. It was proposed that Student ID numbers should be included so that it could be listed in the online Student Directory. Are there any FERPA considerations?

A: The 2009 regulations establish that Student ID Numbers cannot be considered directory information items unless expressly necessary as electronic identifiers, and only in conjunction with other security protocols. The amendments also confirmed that social security numbers can never be directory information nor used in confirming directory information without a signed consent.